

IN RE: PETITION FOR ZONING VARIANCE
NR/S of Northview Road, 490.54'
NW of Bullneck Road Extended
(8230 Northview Road)
12th Election District
7th Councilmanic District
Stephen T. Kotula, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 88-519-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 5 feet and 10 inches in lieu of the required 10 feet, for a proposed addition as more particularly described in Petitioners' Exhibit 1.

The Petitioners appeared and testified. There were no Protes-tants.

Testimony indicated that the subject property, known as 8230 Northview Road, is zoned D.R. 5.5 and is currently improved with a single family dwelling. The Petitioners propose constructing a second story addition to meet the needs of their growing family. Testimony indicated that the existing dwelling was originally purchased for use as a summer home as it is located on Bullneck Creek in the Critical Chesapeake Bay areas. The Petitioners testified that the property is being used year round and that they need the proposed addition to provide additional habitable space. The proposed addition is designed with an overhang to provide needed space for the second floor but will result in the roofline extending into the required setback.

At the time of the hearing, Petitioners were advised that Zoning Plans Advisory Committee (ZAC) comments had not yet been received from the

Department of Environmental Protection and Resource Management (DEPRM), and that a decision in this matter would be rendered thereafter.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public, provided the Petitioners comply with the requirements as set forth in the DEPRM comments dated July 22, 1988, attached hereto and made a part hereof. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of August, 1988 that the Petition for Zoning Variance to permit a side yard setback of 5 feet, 10 inches in lieu of the required 10 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

- 2) Compliance with DEPRM requirements as set forth in their comments dated July 22, 1988, attached hereto and made a part hereof.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.1.1 To permit a side yard setback of 5 feet and 10 inches in lieu of the required 10 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, following reasons: (indicate hardship or practical difficulty)

Dwelling very small, not adequate for bedroom and storage. Need hang to properly design extra interior space for second floor.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further, agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: _____
Name: _____
Address: _____
City and State: _____
Phone No. _____

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 50501

DATE: July 22, 1988 ACCOUNT: 380 MK

AMOUNT: \$ 380.00

RECEIVED FROM: Mr. J. Robert Haines

FOR: Mr. J. Robert Haines

VALIDATION OR SIGNATURE OF CASHIER: _____

City, this 22nd day of July, 1988, at Baltimore, Maryland.

of this petition be advertised, as per general circulation through the hearing be had before the Zoning Commission Building in Towson, Baltimore

1988 at 11 o'clock

Carl Hines
Commissioner of Baltimore County.

ZONING DESCRIPTION

Beginning on the Northeast side at Northview Road 490.54 feet Northwest of the centerline of Bullneck Road extended. Being Lot Number 16 on the plat of Murray Point Subdivision 13/19. Containing 6,989 square feet in the 12th Election District. Also known as 8230 Northview Road.

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., June 9, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 9, 1988

THE JEFFERSONIAN,

S. Zabe Orlean
Publisher

#33.75

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 12th Date of Posting: 6/19/88

Posted for: Variance

Petitioner: Stephen T. Kotula, et ux

Location of property: NE/S Northview Rd, 490.54 NW/Bullneck Rd - 8230 Northview Rd

Location of Signs: Northview Rd, 490.54 NW/Bullneck Rd, on property of Petitioner

Remarks: _____

Posted by: M. Haines Date of return: 6/19/88

Number of Signs: 1

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: July 22, 1988

FROM: Mr. Robert W. Sheesley

SUBJECT: KOTULA PROPERTY - Zoning Variance

Subject property is on Northview Road and Bullneck Creek. The applicant has applied for a variance of side yard setbacks. This property is within the Chesapeake Bay Critical Area and is classified as Limited Development Area.

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding that projects are consistent with the following goals of the Critical Area Law:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitats and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts. (COMAR 14.15.10.01(1)(2)(3))

The proposed development will comply with the law provided that the zoning petition is conditioned on compliance with the following requirements:

1. One major deciduous tree or two conifers planted and maintained on the lot. A combination of these two tree types is acceptable provided that 1,000 square feet of tree cover is provided. A major deciduous tree is estimated to cover 1,000 square feet and a conifer, 500 square feet at maturity.
2. Storm water runoff from impervious surfaces associated with this petition should be directed over pervious areas such as lawn to encourage maximum infiltration.

RECEIVED
JUL 23 1988
ZONING OFFICE

Mr. J. Robert Haines
July 22, 1988
Page 2

3. Rooftop runoff should be directed through down-spouts and into a dry well of approved design to encourage maximum infiltration (see attached dry well design).
- Please contact Mr. David C. Flowers at 494-3980 if you have any questions.

RWS:DCF/tq
Attachment
cc: Mr. Steve Kotula

Notice of Meeting
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the following petition for a variance from the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, on the following date and at the following location:
Date: July 22, 1988
Time: 7:00 PM
Location: 12th Election District - 7th Councilmanic District - 8230 Northview Road, Towson, Maryland
Petitioner: Stephen T. Kotula, et ux
Subject: Zoning Variance
The purpose of the hearing is to receive testimony and evidence from the petitioner and the public regarding the proposed variance. The hearing will be held in the presence of the Zoning Commission and the public. The hearing will be held in the presence of the Zoning Commission and the public. The hearing will be held in the presence of the Zoning Commission and the public.

PH 01055 BECH 414972 TO ADVERTISE PETITION FOR ZONING VARIANCE CASE NUMBER 88-519-A N/E SIDE OF NORTHVIEW RD. 490' 54" 12th E.D. 7th COUNCILMANIC DISTRICT PETITIONERS STEPHEN T. KOTULA, ET UX HEARING SCHEDULED THURSDAY JUNE 30, 1988 AT 11:00 AM 490 54' NW of Bullneck Rd. Case Number 88-519-A

CERTIFICATE OF PUBLICATION

THE AVENUE NEWS

2 Eastern Blvd
to, Md 21221

IS TO CERTIFY, that the annexed advertisement of

is in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for one week(s) before the 10th day of June 1988 to say, the same was inserted in the issues of 6/19/19 88

The Avenue Inc.
per publisher
Michael J. ...

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: JUN 27 1988

Mr. & Mrs. Stephen T. Kotula
8230 Northview Road
Baltimore, Maryland 21222



Dennis F. Rasmussen
County Executive

Re: Petition for Zoning Variance
CASE NUMBER: 88-519-A
N/E Side of Northview Road, 490.54' NW of Bullneck Road Extended (8230 Northview Road)
Petitioner(s): Stephen T. Kotula, et ux
HEARING SCHEDULED: THURSDAY, JUNE 30, 1988 at 11:00 a.m.

Dear Mr. & Mrs. Kotula:

Please be advised that \$43.02 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 52720

DATE 6/30/88 ACCOUNT 1000000000

AMOUNT \$ 93.02

RECEIVED FROM: Stephen T. Kotula

FOR: 6/30/88 hearing

5 064*****93021580579-A

VALIDATION OR SIGNATURE OF CASHIER

YOURS,

Haines

AINES

ssioner of

nty

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

May 3, 1988

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 88-519-A
N/E Side of Northview Road, 490.54' NW of Bullneck Road Extended (8230 Northview Road)
Petitioner(s): Stephen T. Kotula, et ux
HEARING SCHEDULED: THURSDAY, JUNE 30, 1988 at 11:00 a.m.

Variance to permit a side yard setback of 5 feet and 10 inches in lieu of the required 10 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of,
Baltimore County

cc: Petitioners
File

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3354

May 19, 1988



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 374, 375, 376, 377, 378 and (380).

Very truly yours,

Stephen E. Weber, P.E.
Assistant Traffic Engineer

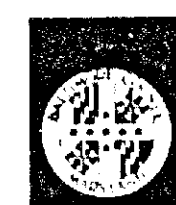
SEW/RF/pml-b

RECEIVED
MAY 23 1988
ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2536
494-4500

Paul H. Reincke
Chief

May 12, 1988



Dennis F. Rasmussen
County Executive

Re: Property Owner: Stephen T. Kotula, et ux

Location: NE/side of Northview Rd., 490.54' NW of Bullneck Rd. extended

Item No.: 380

Zoning Agenda: Meeting of 4/26/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of ___ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

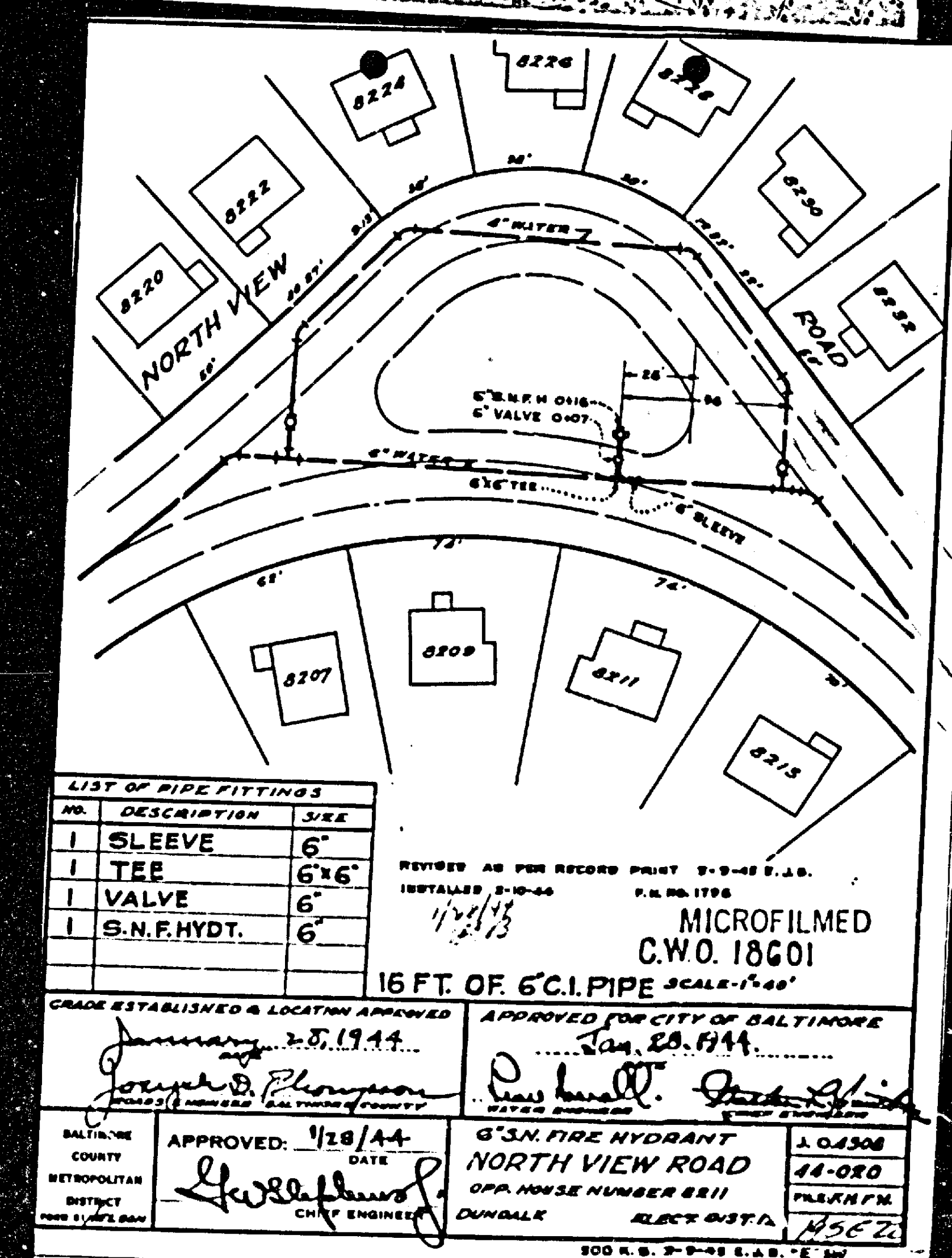
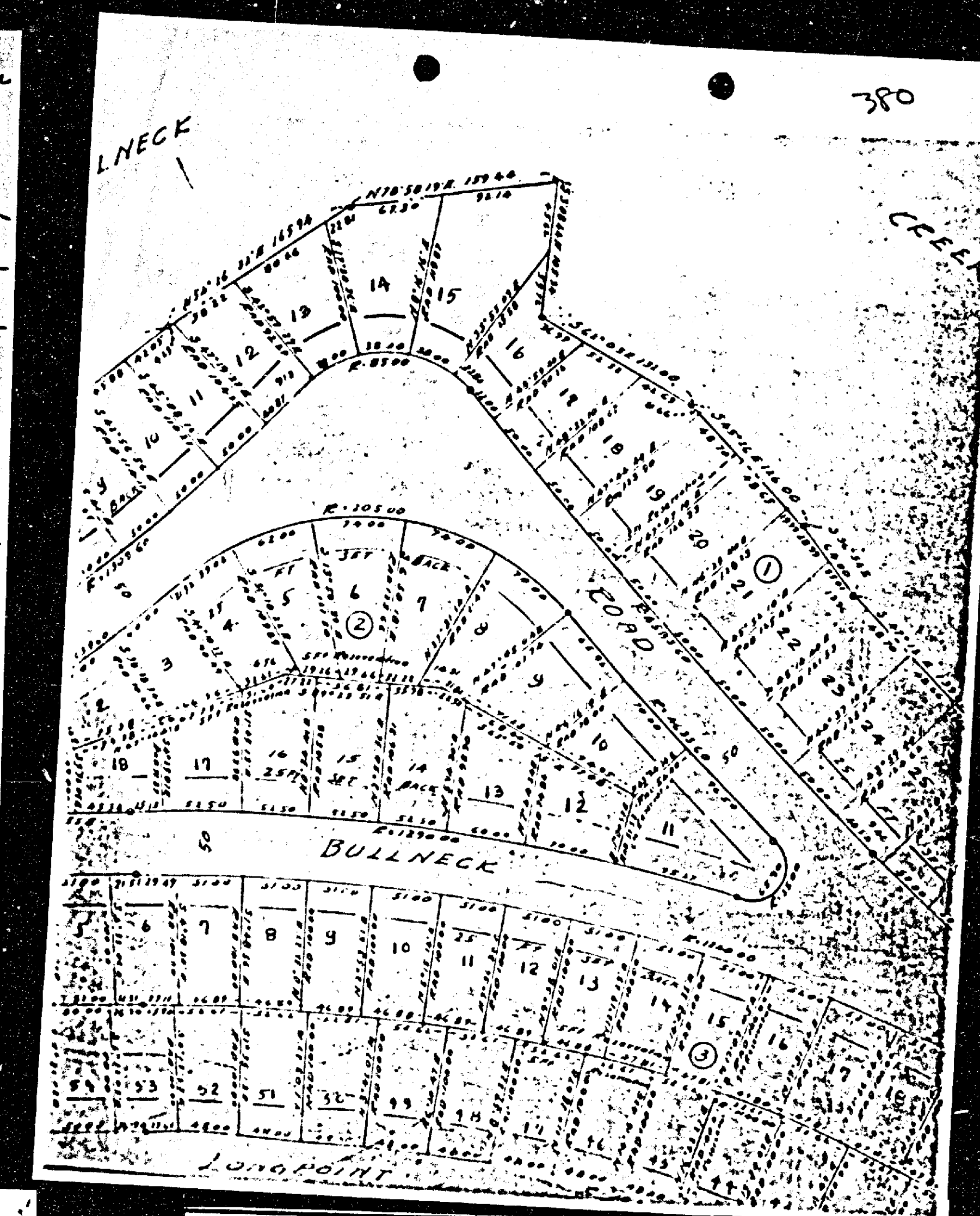
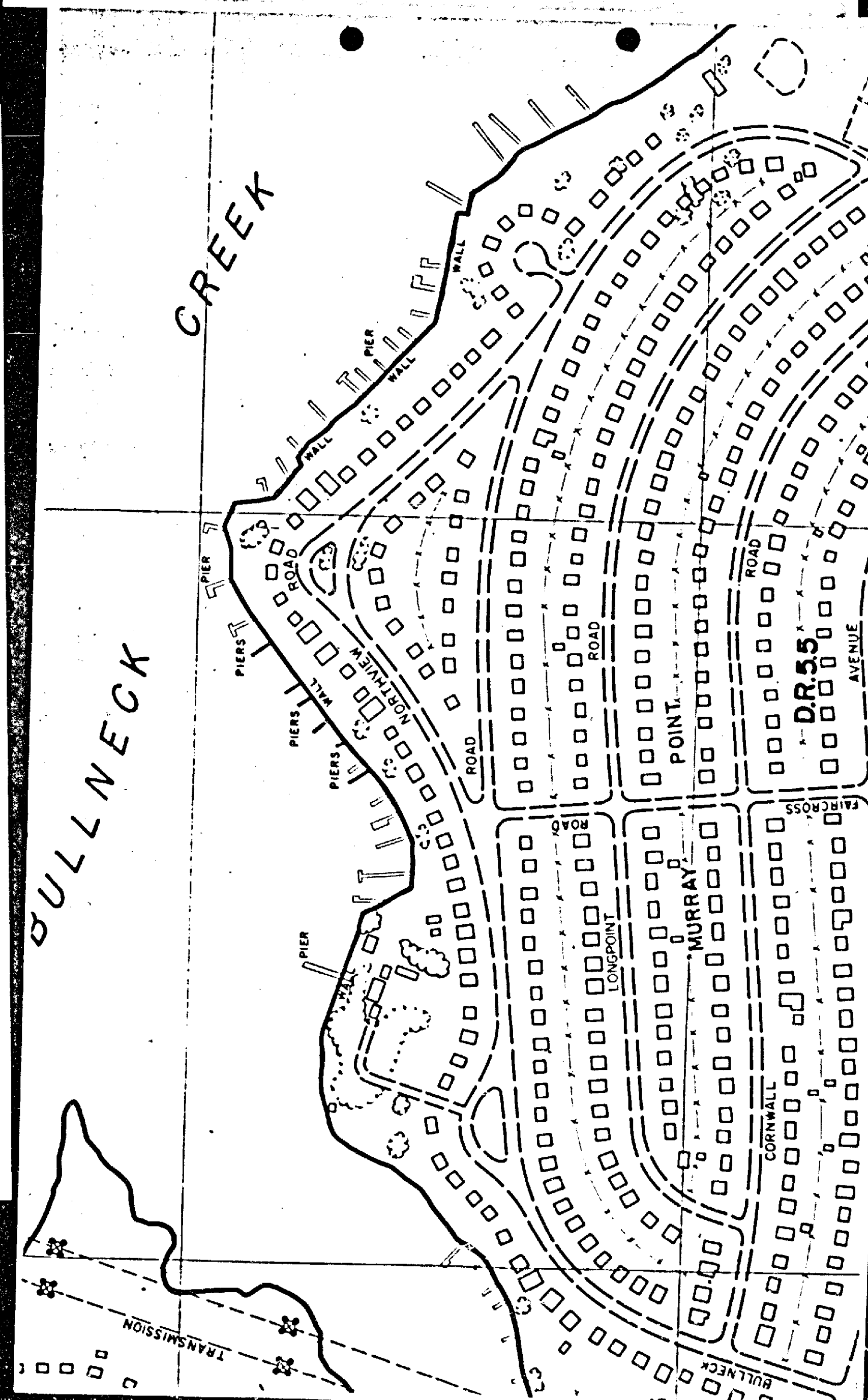
(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

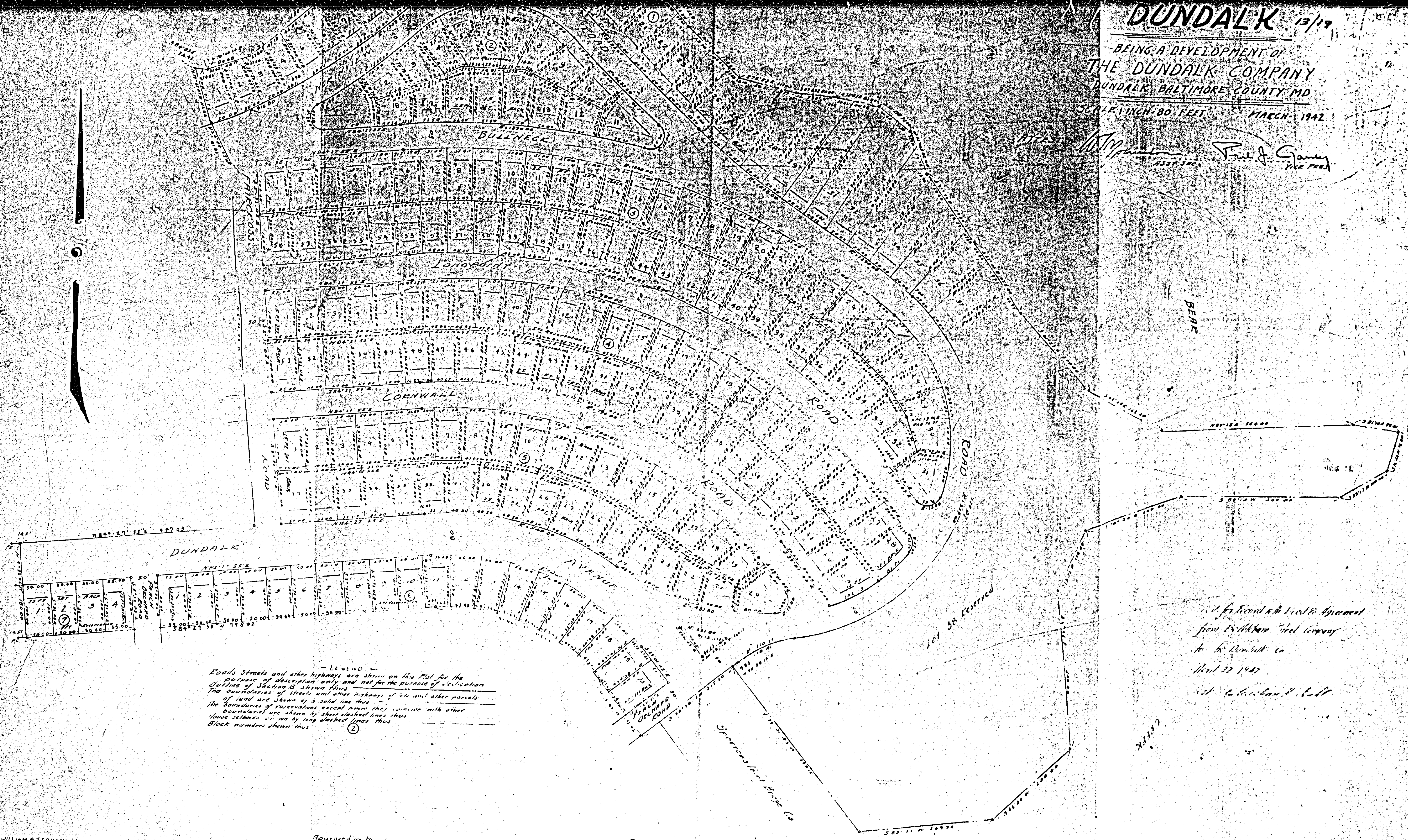
() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/





DUNDALK 13/19
 BEING A DEVELOPMENT OF
 THE DUNDALK COMPANY
 DUNDALK, BALTIMORE COUNTY, MD
 SCALE 1 INCH = 80 FEET
 MARCH 1942

Attest: *[Signature]* *[Signature]*
 Vice Pres.

and for record with local agreement
 from Baltimore Steel Company
 to the Dundalk Co.
 April 22 1942
[Signature]

Approved as to placement and location of streets *Norman F. Tracy, Jr.*

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
 111 W. Chesapeake Ave.
 Towson, Maryland 21204

- MEMBERS**
 Bureau of Engineering
 Department of Traffic Engineering
 State Roads Commission
 Bureau of Fire Prevention
 Health Department
 Project Planning
 Building Department
 Board of Education
 Zoning Administration
 Industrial Development

Mr. & Mrs. Stephen T. Kotula
 8230 Northview Road
 Baltimore, Maryland 21222

RE: Item No. 380 - Case No. 88-519-A
 Petitioner: Stephen T. Kotula, et ux
 Petition for Zoning Variance

Dear Mr. & Mrs. Kotula:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
[Signature]

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE RECEIVED ZONING OFFICE
 DATE: *May 12, 1989*

TO: J. Robert Haines, Zoning Commissioner
 FROM: P. David Fields, Director, Office of Planning and Zoning
 SUBJECT: Zoning Petitions #88-502-A, 88-510-A, 88-511-A, 88-512-A, 88-513-A, 88-515-A, 88-516-A, 88-517-A, 88-518-A, and 88-519-A

There are no comprehensive planning factors requiring comment on the subject petitions.

P. David Fields
 P. David Fields, Director
 Office of Planning and Zoning

PDF/jat
 cc: Shirley Hess, People's Counsel
 J. G. Roswell
 Zoning Office

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Your petition has been received and accepted for filing this
 28th day of April, 1989.

J. Robert Haines
 J. ROBERT HAINES
 ZONING COMMISSIONER

Petitioner: Stephen T. Kotula, et ux
 Petitioner's Attorney

Received by: *[Signature]*
 Chairman, Zoning Plans
 Advisory Committee